

Participating Agencies

Which agencies should be invited to be participating agencies?

Federal, State, tribal, regional, and local government agencies that may have an interest in the project should be invited to serve as participating agencies. Nongovernmental organizations and private entities cannot serve as participating agencies.

What are the roles and responsibilities of participating agencies?

The roles and responsibilities of participating agencies include, but are not limited to:

1. Participating in the NEPA process starting at the earliest possible time, especially with regard to the development of the purpose and need statement, range of alternatives, methodologies, and the level of detail for the analysis of alternatives.
2. Identifying, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts. Participating agencies also may participate in the issue resolution process.
3. Providing meaningful and timely input on unresolved issues.
4. Participating in the scoping process. The scoping process should be designed so that agencies whose interest in the project comes to light as a result of initial scoping activities are invited to participate and still have an opportunity for involvement.

Cooperating Agencies

What is the difference between a participating agency and a cooperating agency?

According to CEQ (40 CFR 1508.5), "cooperating agency" means any Federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. A State or local agency of similar qualifications or, when the effects are on lands of tribal interest, a Native American tribe may, by agreement with the lead agencies, also become a cooperating agency. Cooperating agencies have a higher degree of authority, responsibility, and involvement in the environmental review process. A distinguishing feature of a cooperating agency is that the CEQ regulations (40 CFR Section 1501.6) permit a cooperating agency to "assume on request of the lead agency responsibility for developing information and preparing environmental analyses including portions of the environmental impact statement concerning which the cooperating agency has special expertise." An additional distinction is that, pursuant to 40 CFR 1506.3, "a cooperating agency may adopt without recirculating the environmental impact statement of a lead agency when, after an independent review of the statement, the cooperating agency concludes that its comments and suggestions have been satisfied." This provision is particularly important to permitting agencies, such as the U.S. Army Corps of Engineers, who, as cooperating agencies, routinely adopt USDOT environmental documents.

More guidance on participating and cooperating agencies is provided in Part 1, Chapter 3 (Preliminary Environmental Discussion and Advance Notification) of the PD&E Manual and Chapter 4 (Programming Screen) of the ETDM Manual.